



Docket No.: SHO-0023
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Masaaki Asonuma

Confirmation No.: 9039

Application No.: 10/697,249

Art Unit: N/A

Filed: October 31, 2003

Examiner: Not Yet Assigned

For: GAMING MACHINE

**PETITION UNDER 37 C.F.R. §1.47 TO ACCEPT DECLARATION WHEN INVENTOR
REFUSES TO JOIN IN APPLICATION**

MS Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Notice To Filed Missing Parts Of Nonprovisional Application mailed on August 11, 2004 provides, *inter alia*, that a properly signed oath or declaration in compliance with 37 C.F.R. §1.63 is required to avoid abandonment of the above-identified application.

The invention of the above-identified application was created by inventor, Masaaki Asonuma, during his employment with ARUZE Corp. ("ARUZE") and under written contract to assign any and all inventions developed in connection with that employment to ARUZE.

However, Mr. Asonuma has refused to join in the above-identified application.

Whenever an inventor refuses to execute an application for patent, or cannot be found or reached after diligent effort, a person to whom the inventor has assigned or agreed in writing to assign the invention or who otherwise shows sufficient proprietary interest in the matter justifying such action, may make application for patent on behalf of and as agent for the inventor on proof of the pertinent facts and a showing that such action is necessary to preserve the rights

of the parties or to prevent irreparable damage; and the Director may grant a patent to such inventor upon such notice to him as the Director deems sufficient, and on compliance with such regulations as he prescribes. 35 U.S.C. §118.

The oath or declaration in such an application must be accompanied by a Petition including proof of the pertinent facts, a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, the fee set forth in §1.17(h), and the last known address of all of the inventors. 37 C.F.R. §1.47(b).

Petition including proof of the pertinent facts

This Petition requests that the Declaration And Power Of Attorney For Patent Application provided herewith, which has been executed by Nobuo Yaegashi on behalf of Masaaki Asonuma, be accepted.

Where a corporation is the 37 C.F.R. §1.47(b) applicant, an officer (President, Vice-President, Secretary, Treasurer, or Chief Executive Officer) thereof should normally sign the necessary oath or declaration. See M.P.E.P. §409.03(b).

The Declaration And Power Of Attorney For Patent Application is executed on behalf of Masaaki Asonuma by Nobuo Yaegashi, an Assistant General Manager with ARUZE.

The 37 C.F.R. §1.47(b) applicant must state his or her relationship to the inventor as required by 37 C.F.R. §1.64. See M.P.E.P. §409.03(b).

The Declaration And Power Of Attorney For Patent Application states the relationship of Nobuo Yaegashi as an authorized representative of ARUZE, the former employer of Masaaki Asonuma.

The application must be accompanied by proof that the inventor (1) cannot be found or reached after a diligent effort or (2) refuses to execute the application papers. See M.P.E.P. §409.03(d).

Also provided along with this Petition is a Declaration under 37 C.F.R. § 1.132 executed by Mr. Nobuo Yaegashi, Assistant General Manager of the Patent Department for ARUZE, that submits proof of the diligent effort undertaken by ARUZE in seeking the execution by Mr. Asonuma of the Declaration, and that the nonsigning inventor cannot be found or reached after diligent effort or refuses to execute the application papers.

The 37 C.F.R. §1.47(b) applicant must make out a prima facie case (1) that the invention has been assigned to him or her or (2) that the inventor has agreed in writing to assign the invention to him or her or (3) otherwise demonstrate a proprietary interest in the subject matter of the application. See M.P.E.P. §409.03(f).

Also provided along with this Petition is an Assignment indicating that the inventor, Masaaki Asonuma, has agreed in writing to assign the invention to him to ARUZE.

A showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage

The 37 C.F.R. §1.47(b) applicant must prove that the filing of the application is necessary (1) to preserve the rights of the parties or (2) to prevent irreparable damage. See M.P.E.P. §409.03(g).

The Declaration And Power Of Attorney For Patent Application includes a claim of foreign priority benefits under 35 U.S.C. §119 to Japanese Patent Application No. 2002-335116 filed on November 19, 2002.

An application for patent for an invention filed in this country by any person who has, or whose legal representatives or assigns have, previously regularly filed an application for a patent for the same invention in a foreign country which affords similar privileges in the case of applications filed in the United States or to citizens of the United States, or in a WTO member country, shall have the same effect as the same application would have if filed in this country on the date on which the application for patent for the same invention was first filed in such foreign country, *if the application in this country is filed within twelve months from the earliest date on which such foreign application was filed.* 35 U.S.C. §119(a).

Accordingly, the above-identified application was filed on October 31, 2003, within twelve months from the earliest date on which Japanese Patent Application No. 2002-335116 was filed (1) to preserve the rights of the parties or (2) to prevent irreparable damage.

Fee set forth in §1.17(h)

Please charge Deposit Account No. 18-0013 in the amount of \$130.00 in payment of the Petition fee for other than a small entity.

Last known address of the nonsigning inventor

The last known address of the nonsigning inventor, Masaaki Asonuma, is 73-23-7-2, Maehara-higashi, Funabashi-shi, Chiba, JAPAN.

Conclusion

Upon this petition and in view of the evidence submitted, it is requested that the Declaration And Power Of Attorney For Patent Application provided herewith, which has been executed by Nobuo Yaegashi, be accepted, and that the application may be made by Nobuo Yaegashi on behalf of the omitted inventor, Masaaki Asonuma.

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

Dated: October 1, 2004

Respectfully submitted,

By 

Brian K. Dutton

Registration No.: 47,255

RADER, FISHMAN & GRAUER PLLC

1233 20th Street, N.W.

Suite 501

Washington, DC 20036

(202) 955-3750

Attorney for Applicant

(translation)

ASSIGNMENT

November 28, 2002

Assignee Address: 1-25, Ariake 3-chome, Koto-ku, Tokyo
Name : ARUZE CORP.

Assignor Address: 3-23-7-2, Maehara-higashi, Funabashi-shi, Chiba
Name: Masaaki ASONUMA (seal)

Assignor Address:
Name:

Assignor Address:
Name:

Assignor Address:
Name:

Assignor Address:
Name:

I/We (Assignor/Assignors) hereby assign ARUZE CORP. the right to have profit from patent right (utility model right) the invention entitled below may bring.

1. Title of the Invention (invention described in Invention Report)

Liquid Crystal Display Device to be arranged in front of a reel (restricted to reel back light for demonstration)

[to be used for FIREWORKS SCENERY]

(Ref. No. P02-0919)

Ref. No. P02-0919 Pat.Appln.2002-335116 pgs:1/1

【Title of Document】 Patent Application
【Reference No.】 P02-0919
【Addressed to】 Commissioner, Japan Patent Office
【International Patent Classification】 A63F 5/04
【Title of the Invention】 GAMING MACHINE
【Inventor】
 【Address】 Ariake Frontier Building A, 3-1-25, Ariake, Koto-ku, Tokyo
 【Name】 Masaaki ASONUMA
【Patent Applicant】
 【Identification No.】 598098526
 【Name】 ARUZE Corp.
【Administrator】
 【Identification No.】 100081477
 【Patent Attorney】
 【Name】 Susumu HORI
【Appointed Administrator】
 【Identification No.】 100079522
 【Patent Attorney】
 【Name】 Kazuko HORI
【Indication of Fees】
 【Advance Payment Book Number】 010906
 【Amount Paid】 21,000 Yen
【List of Attached Document】
 【Title of Document】 Specification 1
 【Title of Document】 Drawings 1
 【Title of Document】 Abstract 1
 【General Power of Attorney No.】 9814810
【Necessity of Proof】 Yes

譲 渡 証 書

平成 18 年 11 月 28 日

譲受人 住所 東京都江東区有明 3 丁目 1 番地 2 5
名称 アルゼ株式会社 殿

譲渡人 住所 千葉県船橋市前原 3 丁目 7-2
氏名 阿曾 正明



譲渡人 住所
氏名

印

譲渡人 住所
氏名

印

譲渡人 住所
氏名

印

譲渡人 住所
氏名

印

下記の発明（考案）に関する特許（実用新案登録）を受ける権利を貴社に譲渡した
ことに相違ありません。

記

1. 発明（考案）の名称 {発明届書に記載の発明（考案）}

リール前面に液晶式表示装置（デモ中もリールバックライト限定）[花火百景実施]

（整理番号 P 0 2 - 0 9 1 9 ）

提出日 平成14年11月19日

整理番号=P02-0919

特願2002-335116

頁: 1/ 1

【書類名】 特許願

【整理番号】 P02-0919

【あて先】 特許庁長官殿

【国際特許分類】 A63F 5/04

【発明の名称】 遊技機

【発明者】

【住所又は居所】 東京都江東区有明3丁目1番地25 有明フロンティア
ビルA棟

【氏名】 阿曾沼 正明

【特許出願人】

【識別番号】 598098526

【氏名又は名称】 アルゼ株式会社

【代理人】

【識別番号】 100081477

【弁理士】

【氏名又は名称】 堀 進

【選任した代理人】

【識別番号】 100079522

【弁理士】

【氏名又は名称】 堀 和子

【手数料の表示】

【予納台帳番号】 010906

【納付金額】 21,000円

【提出物件の目録】

【物件名】 明細書 1

【物件名】 図面 1

【物件名】 要約書 1

【包括委任状番号】 9814810

【ブルーフの要否】 要



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Masaaki Asonuma

Application No.: 10/697,249

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For: GAMING MACHINE

Confirmation No.: 9039

Art Unit: N/A

Examiner: Not Yet Assigned

DECLARATION UNDER 37 C.F.R. § 1.132

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned hereby declares that:

1. I am Assistant General Manager of Patent Department of ARUZE Corp. who is responsible for handling intellectual property, specifically patent, matters and is authorized representative of ARUZE Corp., assignee of above-identified application, to execute this Declaration. I am also designated to manage the above-identified patent application by ARUZE Corp.

2. In connection with my responsibilities with regard to the above-identified patent application, we contacted Mr. Masaaki Asonuma, a sole inventor of

the subject matter disclosed and claimed in the above-identified patent application, to request his execution of a declaration as required by 37 C.F.R. § 1.63.

3. Mr. Asonuma refused to cooperate and to join in making the above-identified patent application.

4. We mailed a Declaration and Power of Attorney and Assignment documents to Mr. Asonuma on April 7, 2004, to have him execute the documents at his last known address of 73-23-7-2, Maehara-higashi, Funabashi-shi, Chiba, Japan. A copy of the letter sent and its translation of the relevant part are attached hereto as Appendix A.

5. Mr. Asonuma called us on April 7, 2004 and stated that he was not certain for execution and needed time for consideration.

6. We mailed a Japanese translation of the Declaration and Power of Attorney to his last known address for reference and requested Mr. Asonuma to execute the documents again on April 13, 2004. The letter dated April 13, 2004 and its translation of the relevant part are attached hereto as Appendix B. We received no further communication from Mr. Asonuma.

7. We again mailed a letter to Mr. Asonuma's last known address to have the documents executed and returned to us anyway upon his execution or without his execution on May 28, 2004. A copy of the letter dated May 28, 2004 and its translation

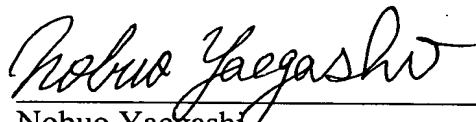
of the relevant part are attached hereto as Appendix C. However, we have heard nothing from Mr. Asonuma thereafter.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

wherefore, I hereby subscribe my name to the foregoing Declaration.

September 16, 2004
Date

DC167513



Nobuo Yaegashi
Assistant General Manager of
Patent Department
ARUZE Corp.



Attorney's Docket No. SHO-0023

APPENDIX A

Serial Number: 10/679,249

Applicants: ARUZE Corp.

Title: GAMING MACHINE

Rader, Fishman & Grauer PLLC

Translation of Letter to Mr. Masaaki Asonuma dated April 7, 2004

...

We have completed applications for patents in the U.S. (application date: October 31, 2003) . . . based on Japanese patent application No. 2002-335116. Based on the applications, Mr. Asonuma's execution to (1) U.S. application declaration and power of attorney, (2) U.S. assignment and (3) . . . became necessary.

Accordingly, it would be appreciated if you could execute the documents enclosed (at 6 places) and return them by April 21, 2003 (Wednesday).

...

ARUZE

アルゼ株式会社

〒135-0035 東京都江東区有明 3-1-25

有明フロンティアビル A棟

TEL : 03-5530-3055 FAX : 03-5530-3081

送 付 書

阿曾沼 正明 様

2004 年 4 月 7 日 (水)

TEL : 03-5530-3055

FAX : 03-5530-3081

特許部

担当 : 茶園佳代

海外責任者 : 川瀬光平

総括責任者 : 八重樫信夫



拝啓 時下ますますご清栄のこととお喜び申し上げます。
さて、下記の件につきましてお取り計らい下さいます様お願い申し上げます。

敬具

件 名 : 署名の件

標記件に関しまして、阿曾沼様が発明者である日本特許出願 2002-335116 号に基づいて、米国（出願日：2003 年 10 月 31 日）、欧州、オーストラリア及び南アフリカ（出願日：2004 年 3 月 1 日）へ特許出願を行いました。当該出願に伴い、①米国用宣誓書兼委任状、②米国用譲渡証、及び③南ア用譲渡証に阿曾沼様の署名が必要となりました。

つきましては、突然のことで誠に恐れ入りますが、2004 年 4 月 21 日(水)までに同封の書類に署名（3箇所）をしてご返送して戴きたく、宜しくお願い申し上げます。

なお、ご本意にそぐわない場合でも、誠にご面倒をお掛け致しますが、下記 1～4 の書類をご返送して戴きたく宜しくお願い致します。

ご不明な点などございましたら、何時でもご連絡下さい。

アルゼ株式会社

〒135-0035 東京都江東区有明 3-1-25

有明フロンティアビル A棟

TEL : 03-5530-3055 FAX : 03-5530-3081

同封書類：	1. 米国用宣誓書兼委任状	1通
	2. 米国用譲渡証	1通
	3. 南ア用譲渡証	1通
	4. 基礎日本特許出願書類	1通
	5. 返信用封筒	1通

以上

Attorney's Docket No. SHO-0023

APPENDIX B

Serial Number: 10/679,249

Applicants: ARUZE Corp.

Title: G AMING MACHINE

Rader, Fishman & Grauer PLLC

Translation of Letter to Mr. Masaaki Asonuma dated April 13, 2004

Thank you for your phone call today even though you are in busy schedule.

- (1) We apologize for the error in your name on Japanese patent application Nos. 2002-335610 and 2003-334705. We report to you that other applications claiming priority based on these two applications have been filed and the later filed applications contain correct name of yours.

別発明者の
件だと思いつく。

...

- (2) We have translation of U.S. Declaration and Power of Attorney, which is enclosed herein for your reference. ...

Accordingly, it would be appreciated your cooperation. If you have any questions, please let us know at any time.

...

アルゼ株式会社
〒135-0035 東京都江東区有明 3-1-25
有明フロンティアビル A棟
TEL: 03-5530-3055 FAX: 03-5530-3081

送 付 書

阿曾沼 正明 様

2004 年 4 月 13 日 (火)
TEL: 03-5530-3055
FAX: 03-5530-3081

特許部

担当: 茶園佳代
海外責任者: 川瀬光平
総括責任者: 八重樫信夫



拝啓 時下ますますご清栄のこととお喜び申し上げます。
さて、下記の件につきましてお取り計らい下さいます様お願い申し上げます。

敬具

件 名 : 署名の件

標記件に関しまして、2004 年 4 月 7 日付弊社書簡にて送付致しました米国用宣誓書兼委任状の日本語訳がございますので、よろしければご参考にして下さい。

なお、残念ながら、米国用譲渡証及び南ア用譲渡証に関しましては、日本語訳がございません。お忙しいところお手数をお掛け致しまして申し訳ございませんが、何卒宜しくお願い申し上げます。

ご不明な点などございましたら、何時でもご連絡下さい。

同封書類: 1. 米国用宣誓書兼委任状参考 1 通
(返送不要です)

以上

Attorney's Docket No. SHO-0023

APPENDIX C

Serial Number: 10/679,249

Applicants: ARUZE Corp.

Title: G AMING MACHINE

Rader, Fishman & Grauer PLLC

Translation of Letter to Mr. Masaaki Asonuma dated May 28, 2004

...

We are wondering whether you have reviewed and executed the (1) Declaration and Power of Attorney for U.S. applications, (2) Assignment for U.S. applications and (3) . . . It would be appreciated if you would send them back to us if you would not accept the documents by June 11, 2004.

...

アルゼ株式会社
〒135-0035 東京都江東区有明 3-1-25
有明フロンティアビル A棟
TEL : 03-5530-3055 FAX : 03-5530-3081

送 付 書

阿曾沼 正明 様

2004 年 5 月 28 日 (金)

TEL : 03-5530-3055

FAX : 03-5530-3081

特許部

担当 : 茶園佳代

海外責任者 : 川瀬光平

総括責任者 : 八重樫信夫



拝啓 時下ますますご清栄のこととお喜び申し上げます。
さて、下記の件につきましてお取り計らい下さいますようお願い申し上げます。

敬具

件 名 : 署名の件

標記件に関しまして、2004 年 4 月 7 日、13 日付弊社書簡にてお願い致しております、①米国用宣誓書
兼委任状、②米国用譲渡証、及び③南ア用譲渡証への署名ですが、その後ご検討の程いかがでしょうか？

お忙しいところお手数をお掛け致しまして申し訳ございませんが、何卒宜しくお願い申し上げます。

また、ご本意にそぐわない場合には、誠にご面倒をお掛け致しますが、上記日付書簡にて同封の書類を
2004 年 6 月 11 日 (金) までにご返送して下さいますようお願い申し上げます。

なお、本状と入れ違いに、弊社宛書簡をご送付戴いておりましたら、お詫び申し上げます。

ご不明な点などございましたら、何時でもご連絡下さい。

以上